

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MANUEL WILLIAMS,**

**Plaintiff,**

**v.**

**Case No. 08-C-577**

**DR. HEIDORN, CYNTHIA THORPE,  
and DR. SALIENE,**

**Defendants,**

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**ORDER**

On January 19, 2009, I denied plaintiff's motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g) and ordered that this action would be dismissed unless plaintiff submitted the sum of \$348.85 as the balance of the full filing fee to the Clerk of Court. Plaintiff has paid the balance of the filing fee. Before me now are plaintiff's motion to amend the complaint and his motion for extension of time to file an amended complaint.

"A party may amend its pleading once as a matter of course before being served with a responsive pleading[.]" Fed. R. Civ. P. 15(a)(1)(A). No responsive pleading has been filed and therefore, plaintiff's motion to amend will be granted. He should file his amended complaint on or before April 17, 2009.

Plaintiff is advised that the amended complaint must bear the docket number assigned to this case and must be labeled "Amended Complaint." The amended complaint supersedes the prior complaint and must be complete in itself without reference to the original complaint. See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84, 133 F.3d 1054, 1056 (7th Cir. 1998). In Duda, the appellate court emphasized that in such

instances, the “prior pleading is in effect withdrawn as to all matters not restated in the amended pleading. Id. (citations omitted). If an amended complaint is timely received, it will be screened under 28 U.S.C. § 1915A. Otherwise, I will screen the original pleading.

**For the foregoing reasons,**

**IT IS THEREFORE ORDERED** that plaintiff’s motion for extension of time (Docket #20) is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff’s motion to amend the complaint (Docket #21) is **GRANTED**. Plaintiff shall file his amended complaint on or before **April 17, 2009**.

**IT IS ALSO ORDERED** that copies of this order be sent to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 17 day of March, 2009.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge